

### REMARKS/ARGUMENTS

Claim 1 in the case is pending and stands rejected under 35 U.S.C. §102(b) as being anticipated by Henning. The examiner states that Henning discloses a method and means for forming an easy-open corner portion of a bag comprising a starter nick (8,9) in a skirt of the bag, forming a perforation corresponding to a predetermined tear line, and wherein the starter nick and perforation bypass the seal line.

In view of the above, claim 1 has been amended to more clearly distinguish the present method from that disclosed in the art cited. Specifically, amended claim 1 recites the step of bypassing the seal line of the bag when forming the starter nick and perforations to avoid damaging the seal line during formation of the easy-open corner portion. The uncut seal line therefore protects the bag against inadvertent bursting and spillage of contents. The tear line intersects the seal line such that upon removal of the corner portion of the bag along the tear line, the seal line is then severed to allow dispensing of contents through the resulting pourer.

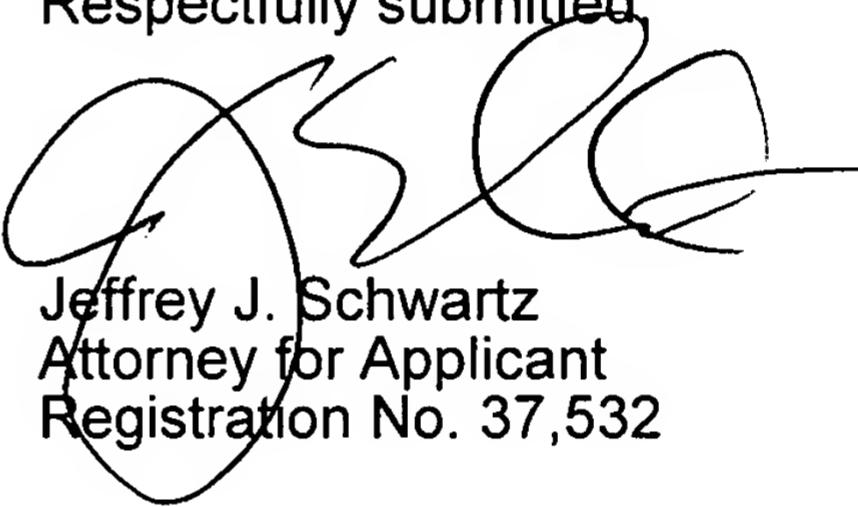
In the method of Henning, a *separate strip* is applied to a flexible bag in an area covering the corner of the bag. The strip is *separately applied* to the bag and secured at weld or gum points (5,6). The strip has notches (8,9) and scores (7a,7b) which are intended to direct tearing of the bag along a predetermined line defined by the scores. Col. 2, Ins. 18-24. The notches, unlike the claimed *starter nick*, are not formed with the bag, but are instead formed with the separate strip. The scores (7a,7b) are likewise formed with the strip, and not the bag. In any event, in Figure 1 of Henning, the notches in the strip do not coincide with a starter nick or notch in an upper edge (2) of the bag. Henning does not teach or suggest the present concept of forming a tear line in the bag in a manner which intentionally protects the edge seal line. Instead, Henning expressly teaches away from this concept in the embodiment of Figure 3. In this embodiment, after the strip is applied to the bag, a notch (17) is punched "*in the upper sealing edge*" so that the notch connects to the score (13). Col. 2, Ins. 28-30. This embodiment of Henning is consistent with other methods of the prior art which *intentionally nick* the seal line to facilitate tearing. A primary

SERIAL No.: 10/649,715  
APPLICANT: Exopack-Thomasville, LLC  
Page 5

drawback of this prior art is in the premature or inadvertent bursting of the bags during transport and handling. This problem is often a direct result of the weakened seal line. The present invention overcomes this problem by intentionally protecting the seal line during formation of the starter nick and perforations.

For all these reasons discussed above, Applicant submits that all of the claims in the case are now in condition for allowance. Such action is therefore respectfully requested at an early date. If the Examiner believes that issues remain for discussion, he is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



Jeffrey J. Schwartz  
Attorney for Applicant  
Registration No. 37,532

Jeffrey J. Schwartz  
Schwartz Law Firm, P.C.  
SouthPark Towers  
6100 Fairview Road, Suite 530  
Charlotte, North Carolina 28210  
Tel: 704-552-1889  
Fax: 704-552-1866  
Email: [jjs@schwartz-iplaw.com](mailto:jjs@schwartz-iplaw.com)